

TWELFTH DAY
(Wednesday, February 2, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Jones of Taylor, McKnight.

A quorum was announced present.

The Most Reverend Vincent Harris, Bishop of the Catholic Diocese, Austin offered the invocation as follows:

Let us pray: Almighty and eternal God, we thank You for hearing the prayers of our forefathers, who in the very preamble of our Texas Constitution humbly invoked Your blessings. In countless ways You have bestowed generous blessings upon the people of Texas. May we who within a few days shall observe the one hundred and first birthday of that constitution continue to walk humbly before You so as to merit Your continued blessings.

We pray in particular this morning for the senators who are working hard to understand the needs of the people of Texas, and are preparing to meet those needs. May Your Holy Spirit guide them in their deliberations so that they may ever be conscious of the human dignity of Your sons and daughters. Thus their decisions and their enactments will be pleasing to You.

Heavenly Father, this morning we cannot forget the sufferings of millions of our fellow Americans who are cold and who cannot work because of blizzards and storms. In Your mercy bring them relief, and guide our national government and the governments of their states in all the efforts of those bodies to help those in need.

We offer these prayers in confidence, for we ask them in the words of our forefathers, "humbly invoking the blessings of Almighty God." Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Jones of Taylor was granted leave of absence for today on account of important business on motion of Senator Adams.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Farabee.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 31
S.B. 237
S.B. 359 (Amended)
C.S.S.B. 233 (Read first time)

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 8 (Read first time)
C.S.S.B. 39 (Read first time)
C.S.S.B. 400 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

S.B. 16
C.S.S.B. 142 (Read first time)
C.S.S.B. 91 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 442 by Jones of Harris Jurisprudence
Providing for the transfer of custodial property to a minor or his estate entitled to receive it under the Uniform Gifts to Minors Act; amending the Uniform Gifts to Minors Act (Article 5923-101, Vernon's Texas Civil Statutes) by adding Section 7A; and declaring an emergency.

S.B. 443 by Jones of Harris State Affairs
Relating to the Firemen's and Policemen's Civil Service Act; amending Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes) by amending Subdivision (5), Subsection D, Section 114, relating to examinations for and eligibility for promotions; Section 9, relating to physical examinations for certain firemen and policemen and classifications of a returning member after period of disability; Sections 16a and 17, relating to review and appeals to Civil Service Commissions; and Section 18, relating to judicial relief; and declaring an emergency.

S.B. 444 by Ogg State Affairs
Amending Art. 6674v, Vernon's Revised Civil Statutes of Texas, Chapter 410, Acts of the Fifty-third Legislature of the State of Texas, Regular Session, 1953, as amended, to add additional sections relating to the transition of the Dallas-Fort Worth Turnpike to the State Department of Highways and Public Transportation, providing for additional feasibility studies to determine need for improvements, extensions and enlargements of the Dallas-Fort Worth Turnpike in areas approved by governmental entities; providing for the issuance of bonds for improvements between and enlargements to the Dallas-Fort Worth Turnpike subject to the approval by certain governmental entities; providing for the creation of a revolving fund for financing feasibility studies with the initial deposit of \$2,000,000.00 from the Dallas-Fort Worth Turnpike Special Reserve Maintenance Fund and replenishment of said fund; permitting, subject to the prior approval of the State Highways and Public Transportation Commission, the pooling of one or more

projects now or hereafter constructed within the same county into a "Pooled Project" and authorizing the issuance of Turnpike Revenue Bonds for the purpose of construction and improving, extending or enlarging any or all part of such Pooled Project and the pledging of revenues from all or any part of such Pooled Project to the maintenance, repair, operation, and payment of interest and principal of revenue bonds issued to construct, improve, extend or enlarge all or any part of said Pooled Project.

S.B. 445 by Parker**Natural Resources**

Relating to catching menhaden; providing a penalty; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.2011; amending Sections 47.032, 47.033, and 47.053, Parks and Wildlife Code; repealing Subsection (b) of Section 47.003, Section 47.008, Subsection (b) of Section 47.031, and Section 47.038, Parks and Wildlife Code.

S.B. 446 by Parker**Human Resources**

Relating to examination requirements for certain applicants for a chiropractor's license; amending Section 10, Chapter 94, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 4512b, Vernon's Texas Civil Statutes).

S.B. 447 by Parker**Jurisprudence**

Relating to hindrance of a peace officer executing civil process; providing penalties; amending the Penal Code by adding Section 38.14.

S.B. 448 by Mauzy**Education**

Relating to terminating the authority of certain state institutions of higher education to pledge tuition to the payment of bonded indebtedness incurred for the construction of facilities; and repealing Subsections (e) and (f) of Section 55.17, and Sections 55.171 and 55.172, Texas Education Code.

S.B. 449 by Mauzy**Education**

Prohibiting the use of state funds for the acquisition or construction of facilities at upper-level centers or upper-level extension centers operated by institutions of higher education; amending Section 55.11, Texas Education Code.

S.B. 450 by Mauzy**Education**

Relating to the approval by the Coordinating Board, Texas College and University System, of new construction and repair and rehabilitation of facilities at institutions of higher education; amending Section 61.058, Texas Education Code, as amended.

S.B. 451 by Santiesteban**State Affairs**

Relating to the regulation and reporting of campaign contributions and expenditures by corporations, labor organizations, and general purpose political committees; amending Subsection (C), Section 242, and Subsection (H) (7), Section 243, Texas Election Code, as amended (Articles 14.06 and 14.07, Vernon's Texas Election Code).

S.B. 452 by Santiesteban**Jurisprudence**

Relating to a temporary allowance which may be granted on divorce or annulment; amending Section 3.63, Family Code; amending Chapter 3, Family Code, by adding Section 3.631.

S.B. 453 by Schwartz**Intergovernmental Relations**

Relating to the reproduction, recording, and retention of records in certain courts of civil appeal by microfilm and other process.

S.B. 454 by Jones of Taylor Economic Development
Adopting a property tax code and conforming provisions, amendments, and repeals.

S.B. 455 by Williams Economic Development
Relating to accrual of penalty and interest when a person over 65 years of age defers collection of delinquent taxes on his homestead; amending Sections 2 and 3, Chapter 937, Acts of the 62nd Legislature, Regular Session, 1971 (Article 7329a, Vernon's Texas Civil Statutes).

S.B. 456 by Moore State Affairs
Relating to changes of domicile by state banks; amending Article 14, Subchapter III, Texas Banking Code of 1943, as added (Article 342-314, Vernon's Texas Civil Statutes).

S.B. 457 by Moore State Affairs
Relating to eligibility for certain retirement benefits under the Judicial Retirement System of Texas; amending Subsection (a), Section 2, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes).

S.B. 458 by Moore Finance
Relating to state expenditures for inauguration of the governor and the lieutenant governor; making an appropriation.

S.B. 459 by Lombardino Intergovernmental Relations
Relating to certain lump-sum payments to certain firemen and policemen on termination of service; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes).

S.B. 460 by Lombardino Intergovernmental Relations
Relating to accumulated sick leave lump-sum payments to certain firemen and policemen on termination of service; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes).

S.B. 461 by Lombardino Intergovernmental Relations
Relating to accumulated sick leave lump-sum payments to certain firemen and policemen on termination of service; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes).

S.B. 462 by Lombardino Intergovernmental Relations
Relating to certain lump sum payments to certain firemen and policemen on termination of service and to certain beneficiaries; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 463 by Hance State Affairs
Relating to longevity pay for certain state employees.

S.B. 464 by Hance

State Affairs

Relating to proof of financial responsibility on registration of a motor vehicle and on application for a driver's license and maintenance of proof of financial responsibility; amending the Texas Motor Vehicle Safety-Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 465 by Mauzy

Jurisprudence

Relating to prehearing conferences of the Industrial Accident Board; amending Subsection (b) of Section 10, Article 8307, Revised Civil Statutes of Texas, 1925, as amended.

S.B. 466 by Mauzy

Jurisprudence

Relating to retired district judges or appellate judges sitting as commissioners to the courts of civil appeals; amending Section 7, Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes).

S.B. 467 by Schwartz

Economic Development

Relating to authorizing the Governor to determine the need for a public deepwater port if a private facility is not built; the creation, administration, powers and duties of the Texas Deepwater Port Authority; amending Chapter 12 of the Water Code; amending Article 5415(i) ("Texas Deepwater Port Procedures Act"); preserving Texas' claim to its tidelands and coastline; providing for an appropriation; providing for the repayment of that appropriation; providing for severability; and declaring an emergency.

S.B. 468 by Schwartz

Jurisprudence

Relating to the appointment of a municipal court judge to serve temporarily; amending Chapter 16, Title 28, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 1199a.

S.B. 469 by Jones of Taylor

Economic Development

Amending the Securities Act, Chapter 269, Acts of the 55th Legislature, Regular Session, 1957, as amended (Articles 581-1 et seq., Vernon's Texas Civil Statutes), by amending Section 33 to provide for liability of sellers, buyers, issuers control persons and aiders; to clarify damages and rescission rights and allow recovery of attorney's fees; to provide statutes of limitations; to permit rescission offers.

S.J.R. 38 by Mauzy

Education

Proposing an amendment of Article VII, Sections 17 and 18, of the Texas Constitution, to authorize additional colleges and universities of The University of Texas System and The Texas A&M University System to participate in certain benefits of the permanent university fund, and additional postsecondary educational institutions to participate in certain benefits of the 10-cent ad valorem tax fund for higher education in accordance with equitable formulas provided by law; to expand the purposes for which the constitutional funds may be used; and to limit the expenditure of general revenue funds for certain purposes covered by the constitutional funds.

S.J.R. 39 by Parker

Jurisprudence

Proposing an amendment to the Texas Constitution to authorize the legislature to provide for a state medical malpractice insurance program and to appropriate state funds to maintain the program.

S.C.R. 25 by Ogg Administration
Granting Paul Johnston, Mary Elizabeth Jones, David D. Johnston, Patricia Ann Wisenand, and Hugette C. Johnston permission to sue the State of Texas.

S.C.R. 26 by Mauzy Education
Prohibiting authorization of new public universities or expansion of existing public universities without prior approval of the Coordinating Board, Texas College and University System; urging full funding of existing medical and dental schools to permit expansion to optimum capacities.

S.C.R. 27 by Mauzy Education
Creating a special interim committee to study the general governance and administrative structure of the Texas system of higher education.

S.C.R. 28 by Mauzy Education
Directing the Coordinating Board, Texas College and University System, to conduct a study of the formula system for allocating state funds to public senior colleges and universities.

S.C.R. 29 by Mauzy Education
Directing the State Board of Education to provide current information necessary for decisions of the legislature and the State Board of Education.

S.C.R. 30 by Mauzy Education
Directing the State Board of Education to revise its accreditation standards to require school districts to evaluate their educational programs and assess the proficiency of their students in basic skills.

CO-AUTHORS OF SENATE BILL 91

On motion of Senator Brooks and by unanimous consent, Senators Williams and Ogg will be shown as Co-authors of **S.B. 91**.

CO-AUTHOR OF SENATE BILL 400

On motion of Senator Doggett and by unanimous consent, Senator Jones of Harris will be shown as Co-author of **S.B. 400**.

CO-AUTHOR OF SENATE BILL 217

On motion of Senator Farabee and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 217**.

CO-AUTHOR OF SENATE BILL 266

On motion of Senator Mauzy and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 266**.

NOTICE OF EXECUTIVE SESSION

Senator Andujar, Vice-Chairman, Committee on State Affairs, Sub-Committee on Nominations, gave Notice that she would move for an Executive Session at 11:00 o'clock a.m. tomorrow.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 2, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a Member of the TEXAS BOARD OF HEALTH RESOURCES: For a six-year term to expire February 1, 1983: Mr. Roderic Bell of Dallas, Dallas County is being reappointed; Dr. H. Eugene Brown of Lubbock, Lubbock County is being reappointed; Dr. Charles Max Cole of Dallas, Dallas County is being reappointed; Dr. Francis A. Conley of Austin, Travis County is being reappointed; Dr. Raymond G. Garrett of Taylor, Williamson County is being reappointed.

To be Vice Chairman: Mr. William J. Foran of Amarillo, Potter County is being reappointed.

For a six-year term to expire February 1, 1981: Mr. Ben M. Durr of Humble, Harris County is replacing Mr. Bill Burton of El Paso, El Paso County who resigned.

To be a Member of the TEXAS HEALTH FACILITIES COMMISSION: For a six-year term to expire February 1, 1983: Mr. P. Bolin Mahaffey of Corpus Christi, Nueces County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE JOINT RESOLUTION 2 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

S.J.R. 2, Proposing an amendment to Article III, Section 47, of the Texas Constitution, to authorize the establishment of certain bingo games and raffles for the benefit of nonprofit charitable organizations.

The resolution was read third time and was passed by the following vote: Yeas 21, Nays 7.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan, Williams.

Nays: Adams, Aikin, Farabee, Hance, Mauzy, Sherman, Snelson.

Absent: Moore.

Absent-excused: Jones of Taylor, McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 217 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 217, Relating to the sale and purchase of a child; amending Chapter 25, Penal Code, by adding Section 25.06; and repealing Subdivision 13, Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes).

There was objection.

Senator Farabee then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 217** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower.

Absent-excused: Jones of Taylor, McKnight.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 217, Section 1, Sec. 25.06, Sub-section (b) (2) by striking all the language after the word "medical" and substituting in lieu thereof the following words: "practice; or".

The amendment was read and was adopted.

Senator Farabee offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 217, Section 1, Sec. 25.06, Sub-section (b) by adding a new Sub-section (3) to read as follows:

"(3) a reimbursement of legal or medical expenses incurred by a person for the benefit of the child."

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 217 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 217** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Clower.

Absent-excused: Jones of Taylor, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 191 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 191, A bill to be entitled An Act amending Article 8309, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section thereto, to be known as Section 6, to include services of doctors of podiatric medicine within the coverage of the Workmen's compensation laws; repealing laws or parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend **S.B. 191** by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. Article 8309, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding a new Section 6 at the end thereof to read as follows:

"Sec. 6. Additional Interpretation: As used in this Act and in Articles 8309b, 8309d, 8309f and 8309h, V.T.C.S., and other applicable provisions of the Workmen's Compensation laws of this state as now or hereafter enacted or amended, wherein the terms medical aid, medical treatment, medical services, surgical treatment, surgical services, medical costs, physician or other words of import for the limited purpose of this act and only in this act shall be construed to include services performed by a doctor of podiatric medicine, acting within the scope of his or her license, except in Sec. 13 of Article 8309d, V.T.C.S.; Sec. 13 and 14 of Article 8309f, V.T.C.S.; Sec. 13 and 14 of Art. 8309f, V.T.C.S.; and Sec. 13 and 14

of Art. 8307, V.T.C.S. provided, further, nothing herein shall be construed to alter, modify or amend the definition of the practice of medicine or who may be permitted by law to practice medicine in this state.”

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 191 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 191** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Mcier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Harris.

Absent-excused: Jones of Taylor, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 190 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 190, A bill to be entitled An Act amending Chapter 21 of the Insurance Code, Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, as amended by adding a new Article, to be known as Article 21.52, relating to the right to select a doctor of podiatric medicine to perform the services which fall within the scope of license of such doctor that are scheduled in a health or accident insurance policy, agreement, contract, or certificate; repealing laws or parts of laws in conflict herewith; and declaring an emergency.

The bill was read second time.

Senator Andujar offered the following amendment to the bill:

Section 1 of Senate Bill 190 is amended by striking sub-paragraph (b) thereof and substituting in lieu thereof the following:

“‘doctor of podiatric medicine’ includes all persons licensed by the Texas State Board of Podiatry Examiners.’

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 190 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent-excused: Jones of Taylor, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent-excused: Jones of Taylor, McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 305 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 305** be taken up for consideration at this time:

C.S.S.B. 305, An Act amending the Texas Mobile Homes Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as amended Regular Session, 1975 (Article 5221f, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin.

Absent-excused: Jones of Taylor, McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend **C.S.S.B. 305** by striking out Section 12.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 305 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 305** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Aikin.

Absent-excused: Jones of Taylor, McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

SECTION 5, ARTICLE III OF CONSTITUTION SUSPENDED

Senator Adams moved that Section 5 of Article III of the Constitution be suspended as it applies to the bills and resolutions on the Local and Uncontested Bills Calendar for Thursday, February 3, 1977.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Jones of Taylor, McKnight.

MEMORIAL RESOLUTIONS

S.R. 111 - by Adams: Memorial resolution for Benjamin Leslie Saunders.

S.R. 112 - by Adams: Memorial resolution for Marvin William Lampert.

CONGRATULATORY RESOLUTIONS

S.R. 109 - by Sherman: Extending congratulations to Louise Evans.

S.R. 110 - by Sherman: Extending congratulations to E. W. Williams, Jr.

RECESS

On motion of Senator Aikin the Senate at 11:46 o'clock a.m. took recess until 8:30 o'clock a.m. tomorrow.

TWELFTH DAY

(Continued)

(Thursday, February 3, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a. m. and was called to order by Senator Adams.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

Section 5 of Article III having been suspended on yesterday, the Constitutional Rule and Regular Order were suspended and the following bills were read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)